

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAID ABDUL,

Petitioner,

V.

## ICE FIELD OFFICE DIRECTOR,

## Respondent.

Case No. C20-0690-RAJ

ORDER DENYING MOTION TO  
APPOINT COUNSEL AS MOOT

This matter is before the Court on Petitioner’s Request for Appointment of Counsel. Dkt. # 11. Petitioner Said Abdul (“Petitioner”) requests that the Court appoint counsel to represent him in responding to Respondent ICE Field Office Director’s (“Respondent”) Objection to the Report and Recommendation, Dkt. # 10. Petitioner also requests representation if the Court concludes an evidentiary hearing is necessary.

There is no constitutional right to appointment of counsel in 28 U.S.C. § 2241 habeas actions; however, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). Appointment of counsel in a habeas proceeding is mandatory only if the district court determines that an evidentiary hearing is required. *See Terrovona v.*

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1 *Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168  
2 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United  
3 States District Courts (“If an evidentiary hearing is required the judge shall appoint  
4 counsel for a petitioner who qualifies for the appointment of counsel under 18 U.S.C. §  
5 3006A(g)”).

6 Here, the Court adopted the Honorable Mary Alice Theiler’s Report and  
7 Recommendation in full, granting Petitioner’s request for a bond hearing. The Court did  
8 not find that an evidentiary hearing before the Court was necessary. Given the Court’s  
9 conclusions, Petitioner’s request for counsel to represent him in responding to  
10 Respondent’s objection to Magistrate Judge Theiler’s recommendation that Petitioner be  
11 provided with a bond hearing and for an evidentiary hearing if deemed necessary is  
12 **DENIED** as moot.

14 Dated this 28th day of October, 2020.

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17 The Honorable Richard A. Jones  
18 United States District Judge  
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